

Testifying in Court
A Presentation for the Forensic Science Partnership
Seminar Series
University of Rhode Island
Kingston, Rhode Island

October 5, 2018

Daniel P. Greenfield, MD, MPH, MS
Clinical Professor of Neuroscience (Psychiatry)
Seton Hall University

I. INTRODUCTION

- A. The word “TESTIFY”
- B. Who? What? Where? Why? When? How?
- C. Focus on “Why”: A type of *evidence* (“sworn testimony”)
 - 1. “Testimony”: history (since almost forever)
 - 2. Expert testimony: since the Middle Ages

II. Who? What? Where? Why? When? How?

- A. Who? Fact witness and expert witness (problems of overlap). What “makes” an expert (witness)?
- D. What? “Opinion” evidence: “to assist the finder/trier of facts (the Court) with information beyond the scope of the average juror”
- E. Where? Giving “sworn testimony” at hearings, depositions, “EBT” (“examinations before trials”), trials, governmental bodies
- F. Why? To educate and assist the trier/finder of fact – the Court – in its decision-maker
- G. When?
 - 1. Whenever the Court wants it
 - 2. When the advocates (“counsel”; attorneys) think it
- H. How?
 - 1. The process: Direct, Cross, Redirect, Recess... Examination

2. Plain language, educate, be brief, don't argue ("Working with attorneys...")

III. TYPES OF EXPERT TESTIMONY (IN PSYCHIATRY)

- A. Criminal cases: it revolves around (a) defendant's (s') mental state and psychiatric condition during one (or more period of time relevant to the offense (criminal responsibility): past – present – future
- B. Civil cases: it involves (a) plaintiff's(s') psychiatric response, if applicable, to an incident, trauma, exposure, insult, etc.
- C. Family ("Anti-Family") Law: divorce, custody, "best interests of the child"
- D. "Don't you want to know my opinion before you get my report?"
- E. "But doctor, my client has a diagnosis of schizophrenia. He must have been insane when he killed his landlady!"

IV. ATTENDEE PARTICIPATION

- A. Criminal case
 3. Do you want to interpose a psychiatric defense? Why? Much one?
 4. Simulation
- I. Civil case
 1. Employment law
 2. SVP matter ("Civil" commitment as a SVP/SDP)

V. Q. and A.

Testifying in Court
A Presentation for the Forensic Science Partnership Seminar Series
University of Rhode Island
Kingston, Rhode Island

October 5, 2018

Daniel P. Greenfield, MD, MPH, MS
Clinical Professor of Neuroscience (Psychiatry)
Seton Hall University Page 2 of 5

***Testifying in Court
A Presentation for the Forensic Science Partnership
Seminar Series
University of Rhode Island
Kingston, Rhode Island***

October 5, 2018

***Daniel P. Greenfield, MD, MPH, MS
Clinical Professor of Neuroscience (Psychiatry)
Seton Hall University***

SYNOPSIS

Drawing on the speaker's experience in testifying for over forty

years in a variety of settings, this presentation will review in a practical, non-academic, and non-scholarly way

1. The origin and roles of testimony in legal and quasi-legal settings;
2. Procedural aspects involving testimony in the legal system;

Testifying in Court
A Presentation for the Forensic Science Partnership Seminar Series
University of Rhode Island
Kingston, Rhode Island

October 5, 2018

Daniel P. Greenfield, MD, MPH, MS
Clinical Professor of Neuroscience (Psychiatry)
Seton Hall University

3. The “whos, whats, wheres, whys, whens, and hows” in testifying, including practical points about testifying; and
4. Provide the opportunity for volunteers to testify in simulations of a civil and criminal trial, time permitting.

Testifying in Court
A Presentation for the Forensic Science Partnership
Seminar Series
University of Rhode Island
Kingston, Rhode Island

October 5, 2018

Daniel P. Greenfield, MD, MPH, MS
Clinical Professor of Neuroscience (Psychiatry)
Seton Hall University

GOALS AND OBJECTIVES

IDENTIFY historical trends involving testimony

DISTINGUISH between fact and expert witness testimony

Testifying in Court
A Presentation for the Forensic Science Partnership Seminar Series
University of Rhode Island
Kingston, Rhode Island

October 5, 2018

Daniel P. Greenfield, MD, MPH, MS
Clinical Professor of Neuroscience (Psychiatry)
Seton Hall University

REVIEW cases in which testimony is not advisable

PRACTICE being an expert witness in a civil and criminal case

Testifying in Court
A Presentation for the Forensic Science Partnership Seminar Series
University of Rhode Island
Kingston, Rhode Island

October 5, 2018

Daniel P. Greenfield, MD, MPH, MS
Clinical Professor of Neuroscience (Psychiatry)
Seton Hall University Page 5 of 5